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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA ZOILA CRUZ-CELAYA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-71345

Agency No. A71-951-172

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted November 13, 2007 **

Before: McKEOWN, TALLMAN and CLIFTON, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")
order denying petitioner's motion to reconsider and reopen.

We review the denial of a motion to reopen or a motion for reconsideration

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

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for an abuse of discretion. *See Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004), *amended by* 404 F.3d 1105 (9th Cir. 2005). The BIA did not abuse its discretion in affirming the denial of petitioner's motion to reconsider and reopen as time-barred. *See* 8 C.F.R. § 1003.23(b)(1); 8 U.S.C. § 1229a(c)(6)(B). The BIA did not abuse its discretion in denying petitioner's motion to reopen to seek protection under the Convention Against Torture, because, pursuant to 8 C.F.R. § 1208.18(b)(2)(i), petitioner was required to have filed such a motion on or before June 21, 1999.

Accordingly, respondent's unopposed motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). This petition for review is denied.

All other pending motions are denied as moot.

PETITION FOR REVIEW DENIED.